



Express Mail Label No. EV 519869485 US

**NOTICE OF APPEAL  
FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS**

Customer Number	24353
Application Number	10/006,909
Confirmation Number	1524
Filing Date	December 6, 2001
First Named Inventor	KEASLING, JAY D.
Examiner Name	FRONDA, CHRISTIAN L.
Group Art Unit	1652
Attorney Docket	BERK-036

Sir:

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner dated, September 9, 2004 finally rejecting claims 1-23.

The fee for this Notice of Appeal is (37 C.F.R. § 1.17(b)): \$ 500.00

☒ Applicant claims small entity status. See 37 C.F.R. § 1.27.

Therefore, the fee shown above is reduced by ½, and the resulting fee is: \$ 250.00

☒ A petition for an extension of time under 37 C.F.R. § 1.136(a) from  
December 9, 2004 through February 9, 2005 is requested.

The total extension fee is: \$ 225.00

Total amount to be charged to Deposit Account 50-0815: **\$ 475.00**

The Commissioner is authorized to charge any fees which may be required, or credit any overpayment to Deposit Account 50-0815. If additional fees are required, including extensions of time, please consider this a petition therefore. A duplicate copy of this sheet is enclosed.

I am the: ☐ applicant/inventor  
☐ assignee of record of the entire interest.  
See 37CFR 3.71. Statement under 37 C.F.R. § 3.73(b) is enclosed.  
☒ attorney or agent of record  
☐ attorney or agent acting under 37 CFR 1.34(a)  
Registration number if acting under 37 C.F.R. § 1.34(a). \_\_\_\_\_

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: Feb. 9, 2005

By:   
Paula A. Borden, Reg. No. 42,344

BOZICEVIC, FIELD & FRANCIS LLP  
1900 University Avenue, Suite 200  
East Palo Alto, California 94303  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231  
F:\DOCUMENT\BERK\036\Notice of Appeal.doc

} 02/14/2005 NNGUYEN1 00000003 500815 10006909  
01 FC:2401 250.00 DA